

HOUSE BILL NO. 282

INTRODUCED BY W. GRINDE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A NURSERY LICENSE IS NOT REQUIRED FOR A FIRM, NURSERY, OR PLANT DEALER THAT EARNS LESS THAN \$3,000 IN GROSS ANNUAL SALES OF NURSERY STOCK; AMENDING SECTION 80-7-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 80-7-106, MCA, is amended to read:

"80-7-106. License required -- application and payment of license fee. (1) (a) ~~Except as provided in subsection (1)(b), a~~ firm, nursery, or plant dealer engaging in the business of selling or distributing nursery stock in this state shall obtain a license for each location from the department.

(b) A firm, nursery, or plant dealer that earns less than \$3,000 in gross annual sales of nursery stock is exempt from licensure.

(2) The license must be in the name of the firm, nursery, or plant dealer seeking the license and expires on the anniversary date established by rule by the board of review established in 30-16-302. The applicant shall provide information that the department finds necessary to carry out the provisions and purposes of this chapter and in the form determined by rule by the board of review established in 30-16-302.

(3) The department shall establish license fees by rule. License fees may be no less than \$95 or more than \$125. If the department determines that the revenue from the license fee is inadequate to accomplish the purposes of this chapter, the department may by rule increase the fee within the statutory limit.

(4) A new applicant or a firm, nursery, or plant dealer failing to renew a license on or before the annual anniversary date provided for in subsection (2) shall pay an additional nonrefundable late fee of \$25 for each license.

(5) An out-of-state firm that imports nursery stock into Montana for resale by a licensed Montana nursery or plant dealer is not required to obtain a license if the firm is licensed in the state of origin of the nursery stock and if that state extends a similar exemption to Montana firms.

(6) The fees required by the provisions of this section may be paid by credit card and may be discounted

1 for payment processing charges paid by the department to a third party."

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3 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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